

**ARCHITECTURAL EXAMINING BOARD[193B]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 544A.29, the Architectural Examining Board hereby amends Chapter 7, “Disciplinary Action—Unlicensed Practice,” Iowa Administrative Code.

These amendments are a result of the five-year rolling administrative rules review outlined in Iowa Code section 17A.7(2). The rules in Chapter 7 describe disciplinary action imposed on those who engage in unlicensed practice. The amendments update the references to the Rule of Civil Procedure.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 3014C** on April 12, 2017. A public hearing was held on May 2, 2017. No public comment was received. The adopted amendments are identical to the amendments published under Notice.

These amendments are subject to waiver or variance pursuant to 193—Chapter 5.

These amendments were adopted by the Board on May 19, 2017.

After analysis and review of this rule making, the Professional Licensing and Regulation Bureau determined that there will be no impact on jobs and no fiscal impact to the state.

These amendments are intended to implement Iowa Code section 544A.15.

These amendments will become effective July 26, 2017.

The following amendments are adopted.

ITEM 1. Amend subrule 7.3(1) as follows:

**7.3(1)** The notice of the board’s intent to impose a civil penalty required by Iowa Code section 544A.15(3) shall be served upon the nonregistrant by restricted certified mail, return receipt requested, or personal service in accordance with Rule of Civil Procedure ~~56.4~~ 1.305. Alternatively, the nonregistrant may accept service personally or through authorized counsel. The notice shall include the following:

- a.* A statement of the legal authority and jurisdiction under which the proposed civil penalty would be imposed.
- b.* Reference to the particular sections of the statutes and rules involved.
- c.* A short, plain statement of the alleged unlawful practices.
- d.* The dollar amount of the proposed civil penalty.
- e.* Notice of the nonregistrant’s right to a hearing and the time frame in which hearing must be requested.
- f.* The address to which written request for hearing must be made.

ITEM 2. Amend subrule 7.3(2) as follows:

**7.3(2)** Nonregistrants must request hearing within 30 days of the date the notice is mailed, if served through restricted certified mail to the last-known address, or within 30 days of the date of service, if service is accepted or made in accordance with Rule of Civil Procedure ~~56.4~~ 1.305. A request for hearing must be in writing and is deemed made on the date of the United States Postal Service postmark or the date of personal service.

[Filed 5/24/17, effective 7/26/17]

[Published 6/21/17]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/21/17.